



Education Act 1944

1944 CHAPTER 31

PART IV

GENERAL.

GENERAL PRINCIPLE TO BE OBSERVED BY MINISTER AND LOCAL EDUCATION AUTHORITIES.

76 Pupils to be educated in accordance with the wishes of their parents.

In the exercise and performance of all powers and duties conferred and imposed on them by this Act the Minister and local education authorities shall have regard to the general principle that, so far as is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure, pupils are to be educated in accordance with the wishes of their parents.

MISCELLANEOUS PROVISIONS.

77 Inspection of educational establishments.

- (1) In this section the expression " educational establishment " means a school, a county college, any establishment which under a scheme of further education made and approved under this Act is used for further education, and any training college or other institution being a training college or institution maintained by a local education authority; and if the persons responsible for the management of any institution which is not an educational establishment within the foregoing definition request the Minister or any local education authority to cause an inspection of that institution to be made under the powers conferred by this section, the institution shall, for the purposes of that inspection, be deemed to be also included within that definition.
- (2) It shall be the duty of the Minister to cause inspections to be made of every educational establishment at such intervals as appear to him to be appropriate, and to cause a special inspection of any such establishment to be made whenever he considers such an inspection to be desirable ; and for the purpose of enabling such inspections to be

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made on behalf of the Minister, inspectors may be appointed by His Majesty on the recommendation of the Minister, and persons may be authorised by the Minister to assist such inspectors and to act as additional inspectors :

Provided that the Minister shall not be required by virtue of this subsection to cause inspections to be made of any educational establishment during any period during which he is satisfied that suitable arrangements are in force for the inspection of that establishment otherwise than in accordance with this subsection.

- (3) Any local education authority may cause an inspection to be made of any educational establishment maintained by the authority, and such inspections shall be made by officers appointed by the local education authority.
- (4) If any person obstructs any person authorised to make an inspection in pursuance of the provisions of this section in the execution of his duty, he shall be liable on summary conviction to a fine not exceeding twenty pounds, or, in the case of a second or subsequent conviction, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such imprisonment and such fine.
- (5) Subject as hereinafter provided, the religious instruction given in any school maintained by a local education authority shall not be subject to inspection except by one of His Majesty's Inspectors or by a person ordinarily employed for the purpose of inspecting secular instruction either as an additional inspector appointed by the Minister or as an officer in the whole-time employment of a local education authority:

Provided that the religious instruction given in a voluntary school otherwise than in accordance with an agreed syllabus shall not be subject to such inspection as aforesaid, but may be inspected under arrangements made for that purpose by the managers or governors of the school, or, in the case of a controlled school, by the foundation managers or foundation governors thereof so, however, that such inspections shall not be made on more than two days in any year and not less than fourteen days' notice of the dates fixed therefor shall be given to the local education authority.

- (6) No pupil who has been excused from attendance at religious worship or instruction in a voluntary school in accordance with the provisions of this Act shall be required to attend the school on a day fixed for an inspection by arrangements made under the proviso to the last foregoing subsection.

78 Provision of certain ancillary services for pupils not in attendance at schools maintained by local education authorities.

- (1) Where under powers conferred by this Act a local education authority make special arrangements for any child or young person to receive primary or secondary education otherwise than at school, the authority may provide for the medical inspection or medical treatment of that pupil as if he were in attendance at a school maintained by the authority.
- (2) A local education authority may, with the consent of the proprietor of any school in their area which is not a school maintained by the authority, and upon such financial and other terms, if any, as may be determined by agreement between the authority and the proprietor of the school, make arrangements for securing—
 - (a) the provision of milk, meals and other refreshment for pupils in attendance at the school; and
 - (b) the provision for any registered pupil at the school who is unable by reason of the inadequacy of his clothing to take full advantage of the education provided

at the school of such clothing as is necessary for the purpose of ensuring that he is sufficiently clad while he remains a pupil at the school;

and may, with the consent of the proprietor of any school or other educational establishment in their area which is not maintained by the authority, and upon such financial and other terms, if any, as may be determined by agreement between the authority and the proprietor of the school or establishment, make arrangements for securing the medical inspection of, and the provision of medical treatment for, pupils (being junior pupils or senior pupils) in attendance at the school or establishment :

Provided that any arrangements made under this subsection shall be such as to secure, so far as is practicable, that the expense incurred by the authority in connection with the provision under the arrangements of any service or article shall not exceed the expense which would have been incurred by them in the provision thereof if the pupil had been a pupil at a school maintained by them.

79 Supplementary provisions as to medical inspection and treatment.

Every local education authority shall furnish to the Minister of Health such particulars as he may from time to time require of the arrangements made by the authority in the exercise of their functions relating to medical inspection and medical treatment; and that Minister may give to any such authority such directions as to the discharge by the authority of those functions as appear to him to be expedient.

If arrangements are made for the exercise by the Minister of any functions conferred or imposed by this section on the Minister of Health, then, while such arrangements are in force, this section shall have effect in relation to such functions as if for the references therein to the Minister of Health there were substituted references to the Minister. Any directions given in the exercise of functions under this section may be varied or revoked by the Minister by whom those functions are for the time being exercisable.

80 Registration of pupils at schools.

- (1) The proprietor of every school (that is to say in the case of a county school or voluntary school the managers or governors thereof) shall cause to be kept in accordance with regulations made by the Minister a register containing the prescribed particulars with respect to all persons of compulsory school age who are pupils at the school, and such regulations may make provision for enabling such registers to be inspected, for enabling extracts therefrom to be taken for the purposes of this Act by persons duly authorised in that behalf under the regulations, and for requiring the persons by whom any such register is required to be kept to make to the Minister, and to local education authorities, such periodical or other returns as to the contents thereof as may be prescribed.
- (2) If any person contravenes or fails to comply with any requirement imposed on him by regulations made under this section, he shall be liable on summary conviction to a fine not exceeding ten pounds.
- (3) The regulations made under this section shall prescribe the procedure by which a child may become a registered pupil and the procedure by which a child (not being a child with respect to whom a school attendance order is in force) may be withdrawn from any school at which he is a registered pupil, and shall make provision for the deletion from the register of the name of any pupil so withdrawn.

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81 Power of local education authorities to give assistance by means of scholarships and otherwise.

Regulations shall be made by the Minister empowering local education authorities, for the purpose of enabling pupils to take advantage without hardship to themselves or their parents of any educational facilities available to them—

- (a) to defray such expenses of children attending county schools, voluntary schools, or special schools, as may be necessary to enable them to take part in any school activities:
- (b) to pay the whole or any part of the fees and expenses payable in respect of children attending schools at which fees are payable :
- (c) to grant scholarships, exhibitions, bursaries, and other allowances in respect of pupils over compulsory school age, including pupils undergoing training as teachers :
- (d) to grant allowances in respect of any child in respect of whom any scholarship exhibition bursary or other allowance has been granted by a former authority before the date of the commencement of Part II of this Act.

82 Powers of local education authorities as to educational research.

A local education authority may, with the approval of the Minister, make such provision for conducting or assisting the conduct of research as appears to the authority to be desirable for the purpose of improving the educational facilities provided for their area.

83 Powers of local education authorities as to educational conferences.

Subject to any regulations made by the Minister, a local education authority may organise, or participate in the organisation of, conferences for the discussion of questions relating to education, and may expend such sums as may be reasonable in paying or contributing towards any expenditure incurred in connection with conferences for the discussion of such questions, including the expenses of any person authorised by them to attend any such conference.

84 Power of local education authorities to make grants to universities and university colleges.

A local education authority may with the consent of the Minister provide financial assistance to any university or university college for the purpose of improving the facilities for further education available for their area.

85 Power of local education authorities to accept gifts for educational purposes.

- (1) Subject to the provisions of this section, a local education authority shall have power, and any such authority or any former authority shall be deemed always to have had power, to accept hold and administer any property upon trust for purposes connected with education.
- (2) A local education authority shall not, on or after the date of the commencement of Part II of this Act, be constituted trustees of any school for providing primary or secondary education other than a nursery school or a special school except after the submission to the Minister of proposals for that purpose ; and where proposals are so submitted

to the Minister, they shall be treated for the purposes of this Act as proposals for the maintenance as a county school of a school which at the time being is not such a school, and the provisions of this Act relating to such proposals shall have effect accordingly.

- (3) Any school for providing primary or secondary education which is vested in a local education authority as trustees thereof, not being a nursery school or special school, shall be a county school.

86 Extension of power to make schemes under the Endowed Schools Acts, and modifications of those Acts and of 4 and 5 Vict. c. 38.

- (1) Where it appears to the Minister that the purposes for which any educational endowment is applicable include the provision of religious education for the pupils in attendance at a voluntary school in accordance with the tenets of a particular religious denomination, and that it is desirable for the purpose of enabling that denomination to participate more effectively in the administration of the statutory system of public education that a scheme should be made under the Endowed Schools Acts, 1869 to 1908, in relation to that endowment, but that there is no power to make a scheme under those Acts in relation thereto, or that the power to make such a scheme is subject to such conditions that it cannot in practice be exercised, he may by order direct that the provisions of those Acts shall have effect in relation to the endowment subject to such modifications, if any, as appear to him to be necessary for the purpose of securing that a scheme may be made in relation to the endowment thereunder.
- (2) Where it appears to the Minister to be desirable that a scheme made under the Endowed Schools Acts, 1869 to 1908, in relation to any educational endowment should make provision for the sale of any land forming part of the endowment and the application of the proceeds of sale in accordance with the provisions of the scheme, but that such provision cannot be made by reason of the third proviso to section two of the School Sites Act, 1841 (which provides that if any land granted in accordance with the provisions of that section ceases to be used for the purposes mentioned in that Act, the land shall revert to the grantor), he may by order direct that the said proviso shall not have effect in relation to the land:

Provided that no such direction shall be given in relation to any land unless the Minister is satisfied either—

- (a) that the person to whom the land would revert in accordance with the said proviso cannot after due enquiry be found; or
- (b) that, if that person can be found, he has consented to relinquish his rights in relation to the land under the said proviso, and that, if he has consented so to do in consideration of the payment of a sum of money to him, adequate provision can be made for the payment to him of that sum out of the proceeds of sale of the land.
- (3) A scheme made under the Endowed Schools Acts, 1869 to 1908, in relation to any educational endowment may, where the endowment includes land in respect of which an order has been made under the last foregoing subsection, make provision for the payment out of the proceeds of sale of the land of any sum which is payable to any person in consideration of the relinquishment of his rights in relation to the land under the said proviso.
- (4) Sections thirty-four, thirty-five and thirty-six of the Endowed Schools Act, 1869 (which relate to the period during which objections or suggestions may be made with respect to draft schemes published under that Act), and section thirty-nine of that Act

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and section thirteen of the Endowed Schools Act, 1873 (which relate to the period within which petitions may be presented to His Majesty in Council against schemes approved under the said Act of 1869) shall have effect as if for the references therein to two months there were substituted references to one month ; and the Endowed Schools Acts, 1869 to 1908, shall be construed accordingly.

- (5) In this section, the expression " educational endowment " has the meaning assigned to it by section five of the Endowed Schools Act, 1869.

87 Exemption of assurances of property for educational purposes from the Mortmain Acts.

- (1) The Mortmain and Charitable Uses Act, 1888, the Mortmain and Charitable Uses Act, 1891, and the Mortmain and Charitable Uses Act Amendment Act, 1892 (which impose restrictions upon assurances of land and personal estate to corporations and to charitable uses) shall not have effect with respect to any assurance of land or of personal estate to be laid out in the purchase of land if the land or the income thereof is to be used for educational purposes.

- (2) Every assurance of land or of personal estate to be laid out in the purchase of land, including every assurance of land to any local education authority, shall, if the land or the income thereof is to be used for educational purposes, be void unless the assurance or a copy thereof is sent to the Minister within six months after the date upon which the assurance takes effect:

Provided that the Minister may, either before or after the expiration thereof, extend the said period of six months in any particular case, and if the assurance or a copy thereof is sent to the Minister within the extended period, the assurance shall not be void or shall be deemed not to have been avoided, as the case may be.

- (3) The Minister shall cause to be kept a record of every assurance which, or a copy of which, is sent to him in compliance with the provisions of this section.
- (4) In this section, the expression " assurance " has the meaning assigned to it by section ten of the Mortmain and Charitable Uses Act, 1888.
- (5) Nothing in subsection (2) of this section shall affect the validity of any assurance which has taken effect before the date of the commencement of Part II of this Act.

ADMINISTRATIVE PROVISIONS.

88 Appointment of chief education officers of local education authorities.

The duties of a local education authority with respect to the appointment of officers under the provisions of the Local Government Act, 1933, shall, without prejudice to the generality of those provisions, include the duty of appointing a fit person to be the chief education officer of the authority, but a local education authority shall not make such an appointment except after consultation with the Minister, and for the purposes of such consultation an authority proposing to make such an appointment shall send to the Minister particulars showing the name, previous experience, and qualifications, of the persons from whom they propose to make a selection. If the Minister is of opinion that any person whose name is so submitted to him is not a fit person to be chief education officer of the authority, he may give directions prohibiting his appointment.

89 Remuneration of teachers.

- (1) The Minister shall secure that for the purpose of considering the remuneration of teachers there shall be one or more committees approved by him consisting of persons appointed by bodies representing local education authorities and teachers respectively, and it shall be the duty of any such committee to submit to the Minister, whenever they think fit or whenever they may be required by him so to do, such scales of remuneration for teachers as they consider suitable ; and whenever a scale of remuneration so submitted is approved by the Minister, he may by order make such provision as appears to him to be desirable for the purpose of securing that the remuneration paid by local education authorities to teachers is in accordance therewith.
- (2) The Minister shall nominate the person who is to be the chairman of any committee approved by him for the purposes of this section.

90 Compulsory purchase of land and other dealings in land by local education authorities.

- (1) A local education authority may be authorised, by means of an order made by the authority and confirmed by the Minister, to purchase compulsorily any land, whether situate within or without the area of the authority, which is required for the purposes of any school or college which is, or is to be, maintained by them, or otherwise for the purposes of their functions under this Act; and with respect to the compulsory purchase of land by local education authorities for any such purpose, the provisions of the Local Government Act, 1933, relating to the compulsory purchase of land by means of compulsory purchase orders shall have effect as if for the references therein to the Minister of Health there were substituted references to the Minister:

Provided that the Minister shall not confirm a compulsory purchase order for the purchase of any land required for the purposes of a voluntary school unless he is satisfied that the arrangements made as to the vesting of the land to be purchased, and as to the appropriation thereof for those purposes, are such as to secure that the expenditure ultimately borne by the local education authority will not include any expenditure which, if the land had been purchased by the managers or governors of the school, would have fallen to be borne by the managers or governors.

- (2) Section one hundred and sixty-three of the Local Government Act, 1933 (which relates to the appropriation, for purposes approved by the Minister of Health, of land belonging to local authorities and not required for the purposes for which it was acquired or has since been appropriated) shall, in relation to any land for the time being vested in a local education authority for the purposes of any of their functions under this Act, and not required for the purposes of that function, have effect as if for the references therein to the Minister of Health there were substituted references to the Minister.
- (3) Sections one hundred and sixty-four and one hundred and sixty-five of the Local Government Act, 1933 (which relate to the sale letting and exchange of land vested in local authorities) shall, in relation to any land vested in a local education authority for the purposes of their functions under this Act, have effect as if for the references in those sections to the Minister of Health there were substituted references to the Minister.

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91 Accounts of councils of county boroughs and audit thereof.

The council of every county borough shall keep separate accounts of the sums received and expended by them in the exercise of any functions of the council under this Act, and those accounts shall be made up and audited in like manner as the accounts of a county council, and the enactments relating to the audit of accounts by a district auditor, and to the matters incidental to such audit and consequential thereon, shall have effect in relation to the accounts which the council of a county borough are required to keep under this section as they have effect in relation to the accounts of a county council.

92 Reports and returns.

Every local education authority shall make to the Minister such reports and returns and give to him such information as he may require for the purpose of the exercise of his functions under this Act.

93 Power of Minister to direct local inquiries.

The Minister may cause a local inquiry to be held for the purpose of the exercise of any of his functions under this Act; and the provisions of subsections (2) (3) (4) and (5) of section two hundred and ninety of the Local Government Act, 1933, shall have effect with respect to any such inquiry as if the Minister were a department for the purposes of that section.

94 Certificates of birth and registrars' returns.

- (1) Where the age of any person is required to be proved for the purposes of this Act or of any enactment relating to the employment of children or young persons, the registrar having the custody of the register of births and deaths containing the entry relating to the birth of that person shall, upon being presented by any person with a written requisition in such form and containing such particulars as may be determined by regulations made by the Minister of Health, and upon payment of a fee of sixpence, supply that person with a copy of the entry certified under his hand.

Every registrar shall, upon being requested so to do, supply free of charge a form of requisition for the purposes of this subsection.

- (2) Every registrar shall supply to a local education authority such particulars of the entries contained in any register of births and deaths in his custody, and in such form, as, subject to any regulations made by the Minister of Health, the authority may from time to time require ; and in respect of every entry in respect of which particulars are furnished by a registrar to a local education authority in compliance with any such requirement, the authority shall pay to the registrar such fee not exceeding twopence as may be agreed between the authority and the registrar, or, in default of such agreement, as may be determined by the Minister of Health.
- (3) In this section, the expression " register of births and deaths " means a register of births and deaths kept in pursuance of the Births and Deaths Registration Acts, 1836 to 1929, and the expression " registrar" includes a registrar of births and deaths and a superintendent registrar.

95 Provisions as to evidence.

- (1) Where in any proceedings under this Act the person by whom the proceedings are brought alleges that any person whose age is material to the proceedings is under, of, or over, any age, and satisfies the court that having used all reasonable diligence to obtain evidence as to the age of that person he has been unable to do so, then, unless the contrary is proved, the court may presume that person to be under, of, or over, the age alleged.
- (2) In any legal proceedings any document purporting to be—
 - (a) a document issued by a local education authority, and to be signed by the clerk of that authority or by the chief education officer of that authority or by any other officer of the authority authorised to sign it;
 - (b) an extract from the minutes of the proceedings of the managers or governors of any county school or voluntary school, and to be signed by the chairman of the managers or governors or by their clerk ;
 - (c) a certificate giving particulars of the attendance of a child or young person at a school or at a county college, and to be signed by the head teacher of the school or college ; or
 - (d) a certificate issued by a medical officer of a local education authority and to be signed by such an officer;

shall be received in evidence and shall, unless the contrary is proved, be deemed to be the document which it purports to be, and to have been signed by the person by whom it purports to have been signed, without proof of his identity, signature, or official capacity, and any such extract or certificate as is mentioned in paragraph (b) (c) or (d) of this subsection shall be evidence of the matters therein stated.

96 Provisions consequential on cessation of functions of former authorities.

- (1) If upon the application of a former authority the Minister is satisfied with respect to any property which was immediately before the date of the commencement of Part II of this Act held by that authority for the purposes of functions exercisable by them under the Education Acts, 1921 to 1939, that, although the property was so held, it was held upon trust for purposes of such a nature that the transfer thereof to a local education authority would be inexpedient, the Minister may by order direct that the property shall be deemed not to have been transferred by virtue of section six of this Act to the local education authority for the county in which the area of the former authority is situated.
- (2) Where any question arises as to whether any officers, property, rights, or liabilities, have been transferred by virtue of this Act from a former authority to a local education authority, that question shall be determined by the Minister.
- (3) Where any officers, property, rights, or liabilities, have been transferred by virtue of this Act from a former authority to a local education authority, the local education authority and the former authority may by agreement provide for the making of such adjustments in relation to their respective property, rights, and liabilities, as appear to the authorities to be desirable having regard to the transfer, and any such agreement may, in particular, provide for the making of payments by either party thereto.
- (4) Where it appears to the Minister that having regard to any such transfer it is desirable that any such adjustment as aforesaid (including any payment by either of the

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authorities concerned) should be made, he may, subject to any agreement made under the last foregoing subsection, by directions make provision for that adjustment.

- (5) Where at the commencement of Part II of this Act any former authority were parties to any proceedings pending with respect to any property, rights, or liabilities, which by virtue of this Act are transferred from the former authority to a local education authority, the proceedings may be carried on thereafter with the substitution of the local education authority for the former authority as parties thereto.

97 Modification of 2 and 3 Geo. 6. c. 94.

For the purpose of the application of the Local Government Staffs (War Service) Act, 1939 (which relates to the civil remuneration and superannuation of persons who cease to serve in certain civil capacities in order to undertake war service) in relation to :—

- (a) any person who before the date of the commencement of Part II of this Act has, in order to undertake war service, ceased to serve in the capacity of an officer employed by the council of a county district for the purposes of any functions exercisable by that authority under the Education Acts, 1921 to 1939 ; and
- (b) any person who before the said date has, in order to undertake war service, ceased to serve in any such capacity as is mentioned in paragraphs 15 and 16 of the first column of the Schedule to the said Act of 1939, being a person in relation to whom the appropriate authority was, before the said date, the council of a county district;

the local education authority for the county in which the county district is situated shall instead of the council of the county district be the " appropriate authority."

98 Compensation of persons prejudicially affected by this Act.

- (1) If in consequence of the extinguishment or transfer by this Act of any functions exercisable by the council of any county district, or the transfer by this Act of any officers employed by any such council, any person who, immediately before the date of the commencement of Part II of this Act, was an officer employed by that council or by the council of the county in which the county district is situated suffers direct pecuniary loss by reason of the determination of his appointment or the diminution of his emoluments, he shall, unless provision for his compensation for that loss is made by or under any other enactment for the time being in force, be entitled to receive compensation under this subsection from the local education authority for the area in which the county district is situated ; and, for the purposes of any claim for compensation under this subsection, the provisions of subsections (2) and (3) of section one hundred and fifty of the Local Government Act, 1933, shall have effect as if :—

- (a) the extinguishment or transfer had been effected by virtue of an order made by the Minister of Health under Part VI of the said Act of 1933 and coming into operation upon the date of the commencement of Part II of this Act ; and
- (b) the expression " existing officer, " in those subsections, meant any person who, immediately before the said date, was an officer employed by the council of a county or county district in connection with any functions exercisable by that council under any enactment repealed or amended by this Act.

- (2) If, in consequence of any school becoming a special agreement school or a controlled school, or in consequence of the discontinuance within six years after the passing of this Act of any school maintained by a local education authority, any person who was

a teacher in the school immediately before it became a special agreement school or a controlled school, or before the school was discontinued, as the case may be, suffers direct pecuniary loss by reason of his dismissal or the diminution of his emoluments, he shall, unless provision for his compensation for that loss is made by or under any other enactment for the time being in force, be entitled to receive compensation from the authority under this section.

- (3) For the purposes of the determination and payment of compensation under this section, the provisions of the Fourth Schedule to the Local Government Act, 1933, shall have effect subject to the following modifications, that is to say:—
- (a) references therein to the Minister shall be construed as references to the Minister of Education, and sub-paragraph (1) of paragraph 1 thereof shall have effect as if after the word "prescribed" there were inserted the words "by the Minister of Education";
 - (b) references therein to a scheme or order shall be construed as references to this Act; and
 - (c) any period during which a person has been engaged in war service within the meaning of the Local Government Staffs (War Service) Act, 1939, shall be reckoned for the purposes of the said Schedule as a period of service in his office, and where any such period is so reckoned, his emoluments during that period shall, for the purposes of sub-paragraph (2) of paragraph 4 of the said Schedule, be deemed to be such as he would have received if he had not been engaged in war service.

99 Powers of Minister in default of local education authorities or managers or governors.

- (1) If the Minister is satisfied, either upon complaint by any person interested or otherwise, that any local education authority, or the managers or governors of any county school or voluntary school, have failed to discharge any duty imposed upon them by or for the purposes of this Act, the Minister may make an order declaring the authority, or the managers or governors, as the case may be, to be in default in respect of that duty, and giving such directions for the purpose of enforcing the execution thereof as appear to the Minister to be expedient; and any such directions shall be enforceable, on an application made on behalf of the Minister, by mandamus.
- (2) Where it appears to the Minister that by reason of the default of any person there is no properly constituted body of managers or governors of any county school or voluntary school, the Minister may make such appointments and give such directions as he thinks desirable for the purpose of securing that there is a properly constituted body of managers or governors thereof, and may give directions rendering valid any acts or proceedings which in his opinion are invalid or otherwise defective by reason of the default.
- (3) Where it appears to the Minister that a local education authority have made default in the discharge of their duties relating to the maintenance of a voluntary school, the Minister may direct that any act done by or on behalf of the managers or governors of the school for the purpose of securing the proper maintenance thereof shall be deemed to have been done by or on behalf of the authority, and may reimburse to the managers or governors any sums which in his opinion they have properly expended for that purpose; and the amount of any sum so reimbursed shall be a debt due to the Crown from the authority, and, without prejudice to any other method of recovery, the whole

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or any part of such a sum may be deducted from any sums payable to the authority by the Minister in pursuance of any regulations relating to the payment of grants.

FINANCIAL PROVISIONS.

100 Grants in aid of educational services.

- (1) The Minister shall by regulations make provision :—
- (a) for the payment by him to local education authorities of annual grants in respect of the expenditure incurred by such authorities in the exercise of any of their functions relating to education, other than their functions relating to the medical inspection and treatment of pupils ;
 - (b) for the payment by him to persons other than local education authorities of grants in respect of expenditure incurred or to be incurred for the purposes of educational services provided by them or on their behalf or under their management or for the purposes of educational research ; and
 - (c) for the payment by him, for the purpose of enabling pupils to take advantage without hardship to themselves or their parents of any educational facilities available to them, of the whole or any part of the fees and expenses payable in respect of children attending schools at which fees are payable, and of sums by way of scholarships, exhibitions, bursaries and other allowances in respect of pupils over compulsory school age, including pupils undergoing training as teachers.
- (2) The Minister of Health shall by regulations make provision for the payment by him to local education authorities of annual grants in aid of the expenditure incurred by such authorities in the exercise of their functions relating to the medical inspection and treatment of pupils.

If arrangements are made for the exercise by the Minister of the functions imposed by this subsection upon the Minister of Health, then, while any such arrangements are in force, this subsection shall have effect as if for the reference therein to the Minister of Health there were substituted a reference to the Minister. References in any regulations made under this subsection to either of those Ministers shall, unless the context otherwise requires, be construed as references to the Minister by whom functions are for the time being exercisable under this subsection, and any such regulations may be varied or revoked by that Minister.

- (3) Any regulations made by the Minister or the Minister of Health under this section may make provision whereby the making of payments by him in pursuance thereof is dependent upon the fulfilment of such conditions as may be determined by or in accordance with the regulations, and may also make provision for requiring local education authorities and other persons to whom payments have been made in pursuance thereof to comply with such requirements as may be so determined.
- (4) Where the Minister is satisfied that the persons responsible for the management of any school or other educational institution are, by reason of the provisions of any trust deed or other instrument relating to the management of the school or institution, unable to fulfil any condition or comply with any requirement imposed by regulations made under this section, he may, after consultation with them, by order make such modifications of the said provisions as may be necessary for the purpose of enabling them to fulfil that condition or comply with that requirement; and any such trust deed

or other instrument shall, during such period as may be specified in the order, have effect subject to any modifications so made.

- (5) Nothing in this section shall affect any grants in aid of university education payable out of moneys provided by Parliament otherwise than in accordance with the provisions of this Act.

101 Special financial provisions relating to Wales and Monmouthshire.

- (1) Subject to the provisions of this section, the Minister shall pay to the local education authority for every area in Wales and Monmouthshire a special annual grant in respect of any school which is maintained or assisted by the authority, being a school in respect of which grants were payable immediately before the date of the commencement of Part II of this Act under section nine of the Welsh Intermediate Education Act, 1889.
- (2) The grants to be so paid shall be of such amounts as may from time to time be determined by regulations made by the Minister, so, however, that the total sum payable for any financial year under the provisions of this section in respect of the schools situated within the area of any county or county borough shall not exceed the maximum amount which was payable in respect of those schools under the provisions of the said section nine for the year ending with the thirty-first day of March nineteen hundred and twenty-nine.
- (3) The regulations made for the purposes of this section shall make provision whereby the grant payable thereunder in respect of a school for any year shall be withheld, or reduced by such amount as may be determined in accordance with the regulations, unless the Minister is satisfied, after such inspection and report as may be so determined, that the school complies with such standards of efficiency as may be specified in the regulations.
- (4) As from such date as the Minister may by order appoint—
- (a) no further sums shall become payable out of any county fund or out of the general rate fund of any county borough under the provisions of any scheme made under the Welsh Intermediate Education Act, 1889 ;
 - (b) the provisions of any such scheme, so far as they relate to the payment to the Central Welsh Board of sums calculated by reference to the product of a rate, and section forty-two of the Education Act, 1918, shall cease to have effect; and
 - (c) the council of every county and county borough in Wales and Monmouthshire shall make to the Central Welsh Board an annual payment calculated by reference to a percentage of the product of a rate of one halfpenny in the pound in that county or county borough for the year ending with the thirty-first day of March nineteen hundred and twenty-nine ; and the times at which the said payments are to be made and the percentages by reference to which they are to be calculated shall be such as may be determined by the Central Welsh Board for each year in respect of which they fall to be made, so, however, that the percentage so determined in respect of each year shall be a uniform percentage for all the councils by which the payments are to be made, and the percentage so determined in respect of any year shall not exceed twenty-two and one half per cent.
- (5) Nothing in this section shall prevent the payment of grants to any local education authority in accordance with any other provision of this Act.

Status: This is the original version (as it was originally enacted).

102 Maintenance contributions payable by the Minister in respect of aided schools and special agreement schools.

The Minister shall pay to the managers or governors of every aided school and of every special agreement school maintenance contributions equal to one half of any sums expended by them in carrying out their obligations under paragraph (a) of subsection (3) of section fifteen of this Act in respect of alterations to the school buildings and repairs, to the school premises :

Provided that no maintenance contribution shall be payable under this section in respect of any expenditure incurred by the managers or governors of a special agreement school in the execution of repairs or alterations for the execution of which provision is made by the special agreement relating to the school.

103 Power of the Minister to make grants in respect of aided schools and special agreement schools transferred to new sites or established in substitution for former schools.

- (1) Where the Minister by an order made under section sixteen of this Act authorises the transfer of any voluntary school to a new site or directs that a voluntary school or schools proposed to be established shall be established in substitution for a school or schools to be discontinued, then, if the school to be transferred or any school to be established in pursuance of the order is to be maintained as an aided school or a special agreement school, the Minister may pay to the managers or governors of the school in respect of any sums expended by them in the construction of the school a grant not exceeding one-half thereof:

Provided that no grant shall be payable under this section to the managers or governors of a special agreement school in respect of any sums expended by them in the execution of proposals to which the special agreement for the school relates.

- (2) For the purposes of this section, any sum expended for the purpose of providing a site for a school shall be deemed to be expended in the construction of the school.
- (3) Without prejudice to the general discretion of the Minister as to the making of any grant under this section and as to the amount of any such grant, the Minister shall, in determining the amount of any such grant, take into account any sums which may accrue to the managers governors or trustees of the school in respect of the disposal of the site from which the school is to be transferred, or of the sites of the discontinued schools, as the case may be.

104 Power of the Minister to make grants in respect of aided schools and special agreement schools established for the accommodation of displaced pupils.

- (1) Where the Minister has approved proposals submitted to him under subsection (2) of section thirteen of this Act that any school proposed to be established should be maintained by a local education authority as a voluntary school and has directed that the proposed school shall be an aided school or a special agreement school, then, if the Minister is satisfied that although the proposed school will not be in substitution for one or more discontinued schools, yet the establishment thereof is wholly or partially due to the need of providing education for a substantial number of displaced pupils, he may by order certify as expenses attributable to the provision of education for displaced pupils so much of the amount expended in the construction of the school

as is in his opinion so attributable, and may pay to the managers or governors of the school a grant not exceeding one half of the expenses so certified:

Provided that no grant shall be payable under this section to the managers or governors of a special agreement school in respect of any sums expended by them in the execution of proposals to which the special agreement for the school relates.

- (2) For the purposes of this section—
- (a) the expression "displaced pupils" means, in relation to any such proposed school as aforesaid, pupils for whom education would, in the opinion of the Minister, have been provided in some other aided school or special agreement school if that school had not ceased to be available for them in consequence of its having ceased to be used for providing both primary and secondary education or in consequence of a substantial reduction in the number of pupils for whom education is to be provided in it; and
 - (b) any sum expended for the purpose of providing a site for a school shall be deemed to be expended in the construction of the school.

105 Power of the Minister to make loans to aided schools and special agreement schools in respect of initial expenditure.

- (1) If upon the application of the managers or governors of any aided school or special agreement school the Minister is satisfied after consultation with persons representing them that their share of any initial expenses required in connection with the school premises will involve capital expenditure which, in his opinion having regard to all the circumstances of the case, ought properly to be met by borrowing, he may make to the managers or governors of the school for the purpose of helping them to meet that expenditure, a loan of such amount at such rate of interest and otherwise on such terms and conditions as may be specified in an agreement made between him and them with the consent of the Treasury.
- (2) For the purposes of this section, the expression "initial expenses" means in relation to any school premises—
- (a) expenses to be incurred in defraying the cost of any alterations required by the development plan approved by the Minister for the area ;
 - (b) expenses to be incurred in pursuance of any special agreement;
 - (c) expenses to be incurred in the construction of any school which, by virtue of an order made under section sixteen of this Act, is deemed not to be a newly established school or is deemed to be in substitution for any discontinued school or schools ;
 - (d) expenses certified by the Minister under the last foregoing section as being attributable to the provision of education for displaced pupils;
- and the managers' or governors' share of any such initial expenses shall be taken to be so much thereof as remains to be borne by them after taking into account the amount of any maintenance contribution, grant under a special agreement, or grant under either of the last two foregoing sections, as may be paid or payable in respect of those expenses.
- (3) If upon an application being made to him under subsection (2) of section fifteen of this Act for an order directing that a school shall be an aided school or a special agreement school it appears to the Minister that the area served by the school will not be also served by any county school or controlled school, then, unless he is satisfied that the managers or governors of the school will be able to defray the expenses which would fall to be borne by them under paragraph (a) of subsection (3) of that section without

Status: This is the original version (as it was originally enacted).

the assistance of a loan under this section, the Minister shall consult such persons or bodies of persons as appear to him to be representative of any religious denomination which, in his opinion having regard to the circumstances of the area, is likely to be concerned ; and, unless after such consultation he is satisfied that the holding of a local inquiry is unnecessary, shall cause such inquiry to be held before determining the application.

106 Contributions between local education authorities.

- (1) Where a local education authority provide in any school maintained by the authority for the primary or secondary education of any child or young person who belongs to the area of some other local education authority, then, if a claim therefor is made within the prescribed period, they shall, subject as hereinafter provided, be entitled to recover from that authority such contributions as may be determined by agreement between the authorities concerned, or in default of such agreement by the Minister, to be equal to the cost of providing for the education :

Provided that if in the case of any child or young person the Minister is satisfied that there was no sufficient reason why the education provided for him should not have been provided by the authority for the area to which he belongs, the Minister may, on the application of that authority, direct that no contribution shall be recoverable in respect thereof under this subsection.

- (2) For the purposes of this section, a child or young person shall be deemed to belong to the area in which his guardian resides :

Provided that—

- (a) if the guardian of the child or young person cannot be found or his guardian has no place of residence in England or Wales, the child or young person shall be deemed to belong to the area of the local education authority in whose area he was born ; and
 - (b) where immediately before the date of the commencement of Part II of this Act a former authority had been required under the Education (Institution Children) Act, 1923, to make payments to another former authority in respect of any child and were liable to make such payments, then, so long as the first-mentioned former authority would have remained so liable if that Act had not been repealed, the child shall be deemed to belong to the area of the local education authority responsible for the liabilities of the first-mentioned former authority.
- (3) If it is impracticable to determine under the provisions of the last foregoing subsection to what area a child or young person belongs, either because his place of birth was not in England or Wales or cannot be ascertained or for any other reason, he shall be treated as belonging to such area as may be determined by agreement between the local education authorities concerned, or in default of such agreement, by the Minister.
- (4) In this section the expression " guardian ", in relation to any child or young person, means the person having the legal right to the guardianship of the person of that child or young person :

Provided that where that person has been deprived of the custody of the child or young person by the order of a court of competent jurisdiction, the guardian of the child or young person shall be deemed to be the person appointed by that court to have the custody of him.

- (5) Nothing in this section shall be construed as preventing the payment by agreement between local education authorities of contributions in respect of education provided by one authority on behalf of another in cases where the authority by whom the education is provided is not entitled to recover contributions under this section.

107 Expenses of Ministers.

Any expenses incurred by the Minister or by the Minister of Health in the exercise of their functions under this Act shall be defrayed out of monies provided by Parliament.